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AUG 24 2006

PATENT

Serial No. 10/524,076

Amendment in Reply to Office Action mailed on May 24, 2006

REMARKS

This Amendment is being filed in response to the Office Action dated May 24, 2006. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct certain informalities.

By means of the present amendment, the claims have been amended for better clarity, including beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. The claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-3 and 5-10 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,526,014 (Masaki). Further, claim 4 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Masaki in view of U.S.

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Patent Application Publication No. 2003/0174620 (Seo). It is respectfully submitted that claims 1-24 are patentable over Masaki and Seo for at least the following reasons.

At the outset, it is respectfully submitted that Seo is not prior art to the present application, since the effective filing date of the present application is August 14, 2002, which is before the U.S. filing date of Seo of January 23, 2003. As correctly noted by the Examiner in rejecting claim 4, Masaki does not teach or suggest the present invention as recited in claim 4, and similarly recited in claim 7 (both of which have been re-written in independent form) which, amongst other patentable features, require (illustrative emphasis provided):

irradiating the information layer in between the sequences of one or more write pulses by a radiation beam having an erase power level, the erase power level being higher than a first write power level in first portion of a write pulse of the one or more write pulses and being lower than an n-th write power level in a last portion of the write pulse.

Accordingly, it is respectfully submitted that independent claims 4 and 7 should be allowable.

Masaki is directed to test writing on an optical storage

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medium for deciding an optimum light emitting power. FIG 4H is referred to in the Office Action, which shows light emission current/power including different levels. It is respectfully submitted that Masaki does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 8, which specifically requires (illustrative emphasis provided):

wherein at least one of the write pulses in said sequence of two or more write pulses other than a first write pulse in said sequence consists of n portions, n being an integer number larger than 1, the i-th portion having an i-th write power level, i being an integer number in the range between 1 and n, the i-th portion preceding the (i+1)-th portion, and wherein the i-th write power level is lower than the (i+1)-th write power level, the first write pulse having a constant power level.

A sequence of two or more write pulses where the first write pulse has a constant power level and another pulse has a different power level is nowhere taught or suggested in Masaki. Rather, Masaki teaches in FIG 4 either a sequence of pulses having varying levels or a sequence of pulses having the same level.

Further, Masaki does not teach or suggest the present invention as recited in independent claim 5, and similarly recited

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in independent claim 10, which specifically requires (illustrative emphasis provided):

wherein at least one of the write pulses in said sequence of one or more write pulses comprises a front portion having a write power level which is a function of time, and wherein said write power level continuously increases.

Masaki shows in FIG 4H a pulse having varying levels, such as levels WP1 and WP2. However, the varying levels of this Masaki is NOT continuously increasing; rather, the increase is in steps, i.e., discontinuous. It is respectfully submitted that having discontinuously increasing levels teaches away from continuously increasing power levels, as recited in independent claims 5 and 10.

Similarly, Masaki does not teach or suggest the present invention as recited in independent claim 13, and similarly recited in independent claims 17 and 21, which specifically requires (illustrative emphasis provided):

wherein the sequence of pulses includes at least one of continuously increasing pulse having an end portion with a constant level and a combination of a block-shaped pulse and a staircase-shaped pulse.

Accordingly, it is respectfully submitted that independent claims 1, 5, 8, 10, 13, 17 and 21 should be allowable. In

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addition, claims 3, 6, 11-12, 14-16, 18-20 and 22-24 should be allowable at least based on their dependence from independent claims 1, 5, 8, 10, 13, 17 and 21.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no official notices are conceded.

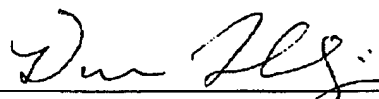
It is believed that no additional fees or charges are currently due beyond the fee for five additional independent claims, and two claims in excess of twenty (since the total number of claims is 22, and not 24, in view of canceled claims 2 and 9) to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account

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No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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August 24, 2006

Enclosure: New Abstract
Authorization to charge credit card \$1100 for five independent claims in excess of four already paid, (i.e., six total independent claims) and two claims in excess of twenty

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NEW ABSTRACT

A method of recording marks in an information layer of a record carrier includes irradiating the information layer by a pulsed radiation beam. A mark is written by a sequence of one or more write pulses, and the information layer has a phase reversibly changeable between a crystalline phase and an amorphous phase. At least one of the write pulses in the sequence has a gradually rising front edge, which may be either a staircase-shaped write pulse or a write pulse having a write power level which continuously increases as a function of time.